

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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JESS LEVENTHAL, ET AL.,

*Plaintiffs,*

v.

THE MANDMARBLESTONE GROUP  
LLC, ET AL.,

*Defendants.*

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CIVIL ACTION

No. 18-cv-2727

**ORDER**

AND NOW, this 27th day of May, 2020, upon consideration of Plaintiffs' "Motions to Dismiss MMG's Counterclaims, Strike Both Defendants' Affirmative Defenses, and Strike Nationwide's Third-Party Complaint" (ECF No. 49), and the responses thereto, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. Plaintiffs' Motion to Dismiss Counts I and II of MMG's Counterclaims is **DENIED**;
2. Plaintiffs' Motion to Strike MMG's and Nationwide's affirmative defenses is **GRANTED**; and
3. Plaintiffs' Motion Strike Nationwide's Third-Party Complaint is **GRANTED**.

It is **FURTHER ORDERED** that **within fourteen (14) days** of this Order, Plaintiffs shall file their responsive pleading to MMG's Counterclaims and, within the same time frame, Nationwide may, if they can do so in good faith, file an Amended Answer to include counterclaims for contribution and indemnity, consistent with the Memorandum Opinion.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.